

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

<b>UNITED STATES OF AMERICA</b>	)	Civil Action No. 1:13-CV-572 (NAM)
<b>Plaintiff,</b>	)	
<b>v.</b>	)	
	)	
<b>\$85,221.00 IN UNITED STATES</b>	)	
<b>CURRENCY,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER DIRECTING ENTRY OF AN UNCONTESTED  
JUDGMENT OF FORFEITURE**

**WHEREAS**, a Verified Complaint for Forfeiture was filed with the Clerk of the United States District Court on May 16, 2013 seeking forfeiture of the defendant currency;

**WHEREAS**, the Clerk of the Court issued a Warrant of Arrest *In Rem* on May 16, 2013;

**WHEREAS**, on May 22, 2013, the Department of Homeland Security executed the Warrant of Arrest, and the defendant currency has been in the custody of U.S. Customs and Border Protection since October 18, 2012;

**WHEREAS**, the matter was published on the government website [www.forfeiture.gov](http://www.forfeiture.gov) for thirty (30) consecutive days beginning on May 21, 2013, and the original affidavit of publication is on file with the Court;

**WHEREAS**, the government successfully completed service to all known potential claimants and process receipts for service are on file with the Court;

**WHEREAS**, based upon the Affidavit of Non-Military Service, Non-Infancy, and Non-Incompetence filed by the government, all known potential claimants to the defendant currency are not infants, in the military service of the United States, or incompetent persons;

**WHEREAS**, on June 28, 2013, Robert Romaine and Emilia Romaine filed verified claims for the defendant currency and, on July 19, 2013, Robert Romaine and Emilia Romaine filed a motion to dismiss the complaint for failure to state a claim;

**WHEREAS**, the Government filed an amended complaint on August 7, 2013 and served all known potential claimants, and certificates of service are on file with the Court;

**WHEREAS**, on August 14, 2013, an *in rem* hearing was held before the Honorable Norman A. Mordue, Senior United States District Judge, at which time the government requested a postponement of the hearing because the parties needed time to address the amended complaint and the pending Motion to Dismiss;

**WHEREAS**, the matter was re-published on government website [www.forfeiture.gov](http://www.forfeiture.gov) for thirty (30) consecutive days beginning on August 21, 2013, and the original Affidavit of Publication is on file with the Court;

**WHEREAS**, on August 29, 2013, in light of the filing of the amended complaint, the motion to dismiss the original complaint was terminated by the Court as moot, and the claimants were permitted to seek dismissal of the amended complaint;

**WHEREAS**, on September 13, 2013, Robert Romaine and Emilia Romaine filed a motion to dismiss the amended complaint for failure to state a claim;

**WHEREAS**, on November 4, 2013, an *in rem* hearing for the amended complaint was held before the Honorable Christian F. Hummel, United States Magistrate Judge;

**WHEREAS**, since there were no further appearances on behalf of the defendant currency at the second *in rem* hearing, the Court entered an order barring all further claims other than the claims of Robert Romaine and Emilia Romaine;

**WHEREAS**, on July 21, 2014, the Court entered an order denying the motion to dismiss the amended complaint;

**WHEREAS**, on June 3, 2015, Robert Romaine and Emilia Romaine filed an answer to the amended complaint with a jury demand; and

**WHEREAS**, on November 9, 2015, the judicial claimants, Robert Romaine and Emilia Romaine, filed a letter request withdrawing their claims to the defendant currency; now

**THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED**, since there are no claims concerning the defendant currency, and all further claims have been barred and forever closed, an Order Directing Entry of an Uncontested Judgment of Forfeiture is entered in this action, and it is further,


**ORDERED, ADJUDGED, AND DECREED**, that all right, title, and interest in the defendant currency is forfeited to the United States of America for disposition in accordance with law, and it is further,

**ORDERED, ADJUDGED, AND DECREED**, that the United States Marshals Service shall dispose of the defendant currency in accordance with law, and it is further,

**ORDERED, ADJUDGED, AND DECREED**, that the costs of this action are to be borne by the United States of America, and it is further,

**ORDERED, ADJUDGED, AND DECREED**, that the Clerk of the Court shall enter judgment in accordance with this Order.

Dated: November 13, 2015

  
HON. NORMAN A. MORDUE  
Senior United States District Judge